

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

ROBERTO JOSE,	)	
	)	
Petitioner,	)	
	)	
v.	)	CIVIL NO. 05-10423-RGS
	)	
UNITED STATES OF AMERICA,	)	
Respondent.	)	

### RESPONDENT'S MOTION FOR EXTENSION OF TIME

The United States, by and through the undersigned attorneys, hereby respectfully moves this Honorable Court for a ninety-day enlargement of time (*i.e.*, until July 5, 2005) to file a response to the Petitioner's Motion to Vacate and Correct Sentence Pursuant to 28 U.S.C. §2255.

In support of this motion, the government states as follows:

1. Petitioner's §2255 motion concerns a criminal matter (99-cr-10035-RGS) that was prosecuted by former Assistant United States Attorneys Cherie L. Kringsman and John J. Falvey, both of whom have left the U.S. Attorney's Office.
2. This matter was assigned to the undersigned Assistant United States Attorney ("AUSA"), whose Notice of Appearance is filed herewith. The undersigned AUSA received a copy of the Court's Order regarding Petitioner's §2255 motion on April 1, 2005.
3. The undersigned AUSA, however, is not previously familiar with the Petitioner's criminal case, and respectfully requests an additional 90 days to (i) retrieve the government's case file from archives, (ii) review the case file, and (iii) prepare an appropriate response to Petitioner's §2255 motion.

4. The undersigned AUSA has just recently joined the U.S. Attorney's Office, and is in the process of reviewing numerous, voluminous case files concerning matters recently assigned to her. The undersigned AUSA is also in the process of undergoing training for new prosecutors. In light of these pending matters, including the need to retrieve and review the underlying criminal action in this matter, the government respectfully requests a continuance to and including July 5, 2005.

WHEREFORE, the government respectfully moves this Honorable Court for an enlargement of time until July 5, 2005, to file a response to the Petitioner's Motion to Vacate and Correct Sentence Pursuant to 28 U.S.C. §2255.

Respectfully submitted,

MICHAEL J. SULLIVAN  
United States Attorney

By: /s/ Lisa M. Asiaf  
LISA M. ASIAF  
Assistant U.S. Attorney  
Tel: (617) 748-3268

April 4, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the person listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery to *Pro Se* Petitioner, Roberto Jose, Prisoner No. 22514-038, FCI Raybrook, Raybrook, NY 12977.

This 4<sup>th</sup> day of April 2005.

/s/ Lisa M. Asiaf

LISA M. ASIAF  
ASSISTANT UNITED STATES ATTORNEY